

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JOHN J. SCHERRER, IV,]	CASE NO. 1:08-CA-190SS
]	
Plaintiff,]	
]	
v.]	COLLECTIVE ACTION
]	
S.J.G. CORP. D/B/A THE SALT LICK,]	
]	
Defendant.]	JURY TRIAL DEMANDED
]	

PROPOSED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by December 5, 2008.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by November 3, 2008, and each opposing party shall respond, in writing, by November 24, 2008. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

3. The Plaintiffs shall file all amended or supplemental pleadings and shall join additional parties by December 1, 2008. The Defendants shall file all amended or supplemental pleadings and shall join additional parties by December 15, 2008.

4. All parties asserting claims for relief shall file their designation of potential witnesses,

testifying experts, and a list of proposed exhibits, and shall serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by February 2, 2009. Any opinion or testimony not contained in the summary will not be permitted at trial. Parties resisting claims for relief shall file their designation of potential witnesses, testimony experts, and a list of proposed exhibits, and shall serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by March 2, 2009. Any opinion or testimony not contained in the summary will not be permitted at trial. All designation of rebuttal experts shall be filed with **fifteen (15) days** of receipt of the report of the opposing expert. The Fed. R. Civ. P. 26 standard is not applicable to this paragraph; it does not make any difference whether or not the expert witness is a “retained expert,” as any opinion or testimony of an expert not contained in the summary will not be permitted at trial.

5. An objection to the reliability of an expert’s proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven (11) days** of receipt of the written report of the expert’s proposed testimony or within **eleven (11) days** of the expert’s deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before March 31, 2009. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than April 30, 2009 and shall be limited to ten (10) pages. Responses shall be filed within eleven (11) days of the service of the motion and shall

shall be limited to ten (10) pages. Any replies shall be filed within eleven (11) days of the service of the response and shall be limited to five (5) pages, but the Court need not wait for the reply before ruling on the motion.

8. This case is set for docket call _____, at 11:00 a.m. and trial in the month of _____. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

SIGNED this the ____ day of _____, 2008.

THE HONORABLE SAM SPARKS

Agreed:

/s/ Robert R. Debes, Jr.

Robert R. Debes, Jr./Richard J. Burch,
Attorneys for Plaintiff John J. Scherrer, IV

/s/ Robert Chance

Bruce A. Griggs/Robert Chance
*Attorneys for Defendants, S.J.G. Corp. d/b/a
The Salt Lick*